

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code Supplement section 137F.2, the Department of Inspections and Appeals hereby amends Chapter 31, “Food Establishment and Food Processing Plant Inspections,” Iowa Administrative Code.

Item 1 deletes language from subrule 31.1(8) to remove the distance restriction between a sink drain and a sewage drain and to require that only an air break be present.

Item 2 rescinds duplicative provisions for mobile units/pushcarts that are included in the 2005 Food and Drug Administration Food Code with Supplement, which was adopted effective July 1, 2008, with publication in the Iowa Administrative Bulletin on April 9, 2008, as **ARC 6708B**. Rule 481—31.7(137F) is rescinded so that the standards set forth for mobile units/pushcarts in the Food Code will be applied to mobile units/pushcarts rather than the standards in rule 481—31.7(137F). The effects on the regulated industry will be the lowering of the required holding temperatures, the lowering of the required cooking temperatures for pork, the adoption of the same standards for bare-hand contact as for all other food establishments, and the adoption of the uniform consumer advisory.

Item 1 of this rule making is subject to waiver provisions through the 2005 Food and Drug Administration Food Code with Supplement and the Department’s general waiver provisions at 481—Chapter 6. Item 2 of this rule making is not subject to waiver provisions because the amendment rescinds a rule; the rules in place subsequent to rescission are subject to waiver provisions through the 2005 Food and Drug Administration Food Code with Supplement and the Department’s general waiver provisions at 481—Chapter 6.

Notice of Intended Action on Item 2 of these amendments was published in the Iowa Administrative Bulletin on June 18, 2008, as **ARC 6839B**. Item 1 was added in response to comments received during training of food inspectors regarding adoption of the Food Code. Item 2 is identical to the original Notice.

The Director adopted these amendments on July 24, 2008.

The Department finds that these amendments confer a benefit on the regulated community by lowering required temperatures and reducing the spacing requirement between drains. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments became effective on July 24, 2008.

These amendments are intended to implement Iowa Code Supplement chapter 137F.

The following amendments are adopted.

ITEM 1. Amend subrule 31.1(8) as follows:

31.1(8) Paragraph 5-402.11(D) is amended by adding the following: “A culinary sink or sink used for food preparation shall not have a direct connection between the sewage system and a drain originating from that sink. Culinary sinks or sinks used in food preparation shall be separated by an air break of ~~not less than one inch between the outlet and the rim of the floor sink or receptor.~~”

ITEM 2. Rescind and reserve rule **481—31.7(137F)**.

[Filed Emergency After Notice 7/24/08, effective 7/24/08]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/13/08.